

UNITED STATES DISTRICT COURT-DISTRICT OF NEW HAMPSHIRE
CIVIL ACTION NO: 1:22-cv-00264-SE

NATALIE ANDERSON, et. al., Plaintiffs,
V.
PATRICK DONOVAN et. al., Defendants

EXPEDITED/EMERGENCY MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL [IF NECESSARY]

1. I, for the plaintiffs, move under Rule 4(a)(5) of the Federal Rules of Appellate Procedure for an extension of time to file a notice of appeal in this action. I am requesting an extension of time (of 2 weeks until September 20, 2023) for the plaintiffs to file a notice of appeal (which is a modest request). Grounds are outlined below.
2. On 8/2/23 the court, sua sponte, dismissed this case for failure to prosecute.
3. On 8/3/23 the clerk entered the order on the docket.
4. On 8/17/23, I requested an extension of time to file a motion to reconsider until 9/5/23.
5. On 8/17/23, the court granted the extension of time to file a motion to reconsider until 9/5/23.
6. If reconsideration is not successful, then I would like to appeal the judgment entered in this action.
7. However, I realize that there may be an overlap of the timelines for reconsideration and for timely appeal.
8. I am not clear on whether the granting of the extension of time for filing the post-judgment motion for reconsideration extends the time to file a notice of appeal by 30 days from the date the district court decides the post-judgment motion for reconsideration.
9. Hence, in the abundance of caution, I now seek to extend the time to file a notice of appeal because the motion to reconsider is due on 9/5/23. But the filing of a notice of appeal is also due on 9/5/23 because of the long holiday weekend (i.e., for labor day) and how the calendar falls and interplays with the federal rules for computing time.
10. So I would like to file a motion to reconsider and receive a ruling on it, prior to having to file a notice of appeal because if the motion to reconsider is successful, then I would not need to file a notice of appeal. This would serve judicial economy and conserve costs and the resources of the judicial system.
11. It is my understanding that, under the rules of procedure, the time to file a notice of appeal can be extended by motion to the judge in the district court and that I am supposed to direct such motion to the judge in the district court.¹
12. Hence, I am filing this motion now and I am doing so simply out of the abundance of caution in order to preserve my rights. NB: I have not missed the deadline to file an appeal. I am preemptively seeking to avoid missing the deadline to file an appeal, by seeking to extend the time to file an appeal pursuant to the desire to allow the district court time to decide the motion to reconsider the judgment, before my needing to file a notice of appeal should it be necessary. I am not sure if I am going about this in exactly the best way but I am doing my best to try to comply with the deadlines provided by the rules and to avail myself of any extensions and such relief allowed for in the rules.
13. I ask the court to grant a pro se liberal construction to what I am seeking.
14. I ask that this motion be ruled on an expedited basis so that we can know where we stand.
15. I ask that this request be granted, or any relief deemed just and proper.

Respectfully submitted,
s/ Natalie Anderson

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Dated: 9-1-23

¹ See Rule 4 (1)(A) – “*In a civil case...the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.*” See also Rule 4(5)(A) – “*The district court may extend the time to file a notice of appeal if: (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires..*”